

Deborah E. Fishman (SBN 197584)  
 Krista M. Carter (SBN 225229)  
 KAYE SCHOLER LLP  
 Two Palo Alto Square, Suite 400  
 Palo Alto, CA 94306  
 Telephone: (650) 319-4500  
 Facsimile: (650) 319-4700  
 Email: deborah.fishman@kayescholer.com  
 Email: krista.carter@kayescholer.com

Attorneys for Plaintiff  
 AAT BIOQUEST, INC.

Rick B. Yeager (Texas SBN 22146500)  
 10805 Mellow Lane  
 Austin, TX 78759  
 Telephone: (512) 779-9525  
 Email: rveager@teflabs.com

Attorney for Defendant  
 TEXAS FLUORESCENCE  
 LABORATORIES, INC.

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION**

AAT BIOQUEST, INC., a Delaware  
 corporation

Plaintiff,

v.

TEXAS FLUORESCENCE  
 LABORATORIES, INC.,

Defendant.

Case No. 4:14-cv-3909-(DMR)

**STIPULATION AND ~~PROPOSED~~  
 ORDER ENTERING PERMANENT  
 INJUNCTION**

Judge: Hon. Donna M. Ryu

Pursuant to Civil Local Rule 7-12, as well as Fed. R. Civ. P. 65, Plaintiff AAT Bioquest, Inc. (“AAT Bioquest”) and Defendant Texas Fluorescence Laboratories, Inc. (“TEFLabs” or “Defendant”) jointly submit the following Stipulation and proposed Order for a permanent injunction against any further infringement by Defendant of AAT Bioquest’s patent rights:

1 WHEREAS, this patent infringement action commenced on August 28, 2014 by AAT  
2 Bioquest against TEFLabs involving U.S. Patent No. 8,779,165 (the “’165 Patent”);

3 WHEREAS, AAT Bioquest is the owner of all right, title, and interest in the ’165 patent;

4 WHEREAS, AAT Bioquest and TEFLabs filed a Joint Case Management Statement (D.N.  
5 21) on November 26, 2014, wherein the Parties agreed that TEFLabs’ Fluo-2 MA AM product  
6 infringed Claim 1 of the ’165 Patent, and that TEFLabs would be enjoined if that claim were held  
7 valid and enforceable;

8 WHEREAS, the Court issued an Order Granting Plaintiff’s Motion for Summary Judgment  
9 and Denying Defendant’s Motion for Summary Judgment (D.N. 46) on April 13, 2015, wherein the  
10 Court denied TEFLabs’ Motions for Summary Judgment regarding invalidity and unenforceability  
11 of the ’165 Patent, and granted AAT Bioquest’s Motions of Summary Judgment for no invalidity  
12 and no inequitable conduct;

13 NOW, THEREFORE, the Parties hereby STIPULATE to this Injunction and IT IS HEREBY  
14 ORDERED that:

- 15 a. Subject matter jurisdiction, personal jurisdiction, and venue are all proper in this  
16 Court.
- 17 b. Defendant TEFLabs is permanently restrained, enjoined and prohibited from further  
18 infringement of the ’165 Patent, and from manufacturing, using, selling, importing,  
19 and/or offering for sale fluo indicators which have the same structure as the indicator  
20 claimed in Claim 1 of the ’165 Patent in the United States for the life of the ’165  
21 Patent.
- 22 c. This injunction applies to TEFLabs, its present or future members, its present or  
23 future managers, and its present or future employees, agents, and contractors, and any  
24 successors-in-interest.
- 25 d. Nothing in this injunction shall be construed as granting TEFLabs a license to the  
26 ’165 Patent or otherwise permitting TEFLabs to infringe AAT Bioquest’s patent  
27 rights, past, present, or future.
- 28 e. This injunction shall expire on January 5, 2029.

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2 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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4 Dated: April 28, 2015

Respectfully submitted,

5 KAYE SCHOLER LLP

6  
7 By: /s/ Krista Carter  
Krista M. Carter (SBN 225229)

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9 Attorney for Plaintiff  
AAT BIOQUEST, INC.

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11  
12 By: /s/ Rick B. Yeager  
Rick B. Yeager (Texas SBN 21146500)

13 Attorney for Defendant  
14 TEXAS FLUORESCENCE LABORATORIES, INC.

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16  
17 Dated: May 1, 2015

